REMARKS

This Office Action Response is being submitted in reply to the Office Action mailed on September 22, 2008. Claims 1, 6, and 11 have been amended, and claims 5, 9, 18 and 19 have been canceled. As a result, claims 1-4, 6-8, and 10-30 are presented herein for examination.

Claim Objections

The Examiner objected to claim 1 and the intervening claims due to a recitation in step (d) regarding "the fingerprinting values". Claim 1 has been amended herein to recite "repeating steps (a) and (b) a desired number of times to result in one or more fingerprinting values" and "the one or more fingerprinting values" to more closely match the two recitations. It is therefore believed that the objection should be withdrawn.

Claim Rejections – 35 USC § 112

The Examiner rejected claims 14, 18-22, and 24 under 35 USC § 112, second paragraph, as being indefinite.

Regarding claim 14, claim 14 has been canceled herein and claim 11 has been amended herein to incorporate the limitations of claim 11 in which the correct lettering has been provided.

Regarding claim 18, the Examiner's attention is kindly directed to the fact that claim 18 referred to claim 5 (and now refers to claim 1), and does not depend on claim 15. Therefore the lettering is correct.

Regarding claim 19, the Examiner's attention is kindly directed to the fact that claim 19 referred to claim 5 (and now refers to claim 1), and does not depend on claim 15. Therefore the lettering is correct.

Regarding claim 20, the Examiner's attention is kindly directed to the fact that claim 20 refers to claim 19 which in turn referred to claim 5 (and now refers to claim 1), and does not depend on claim 15. Therefore the lettering is correct.

Regarding claim 21, the Examiner's attention is kindly directed to the fact that claim 21 refers to claim 11, 12, or 13 via multiple dependency, and does not depend on claim 15. Therefore the lettering is correct.

Regarding claim 24, the Examiner's attention is kindly directed to the fact that claim 24 refers to claim 11, 12, or 13 via multiple dependency. Antecedent basis for "said sections" and "the index identification" may be found at least in claim 11.

Therefore, for the reasons indicated above, it is believed that the rejection should be withdrawn.

Claim Rejections – 35 USC § 103

Claims <u>11-30</u> were rejected under 35 USC § 103(a) as being unpatentable over **Eraslan** (6,381,346) in view of **Lofstrom** (6,161,213).

Claim 11 has been amended herein to incorporate the limitations of claim 14, and claim 14 has been canceled. Contrary to the Examiner's assertion, claim 11 as amended herein with the limitations of claim 14 does not teach or disclose, among other things:

> <u>selecting the index identification associated with a statistically sufficient
> number of matching sections</u>

as recited in the limitations of claim 14 which now appear in claim 11 as amended. Although the Examiner indicted that the above limitation is disclosed by certain passages of Eraslan (column 9, lines 7-12; column 14, lines 3-13 and column 15, lines 34-48). It appears that the word *"statistically"* doesn't even appear anywhere in these cited passes of Eraslan. In fact, an electronic search of the patent to Eraslan as obtained from the PTO website was performed, and the words *"statistic"*, *"statistics"* and *"statistically"* were not found to exist in Eraslan. It is respectfully submitted that the patent to Eraslan does not teach the above listed recitation of claim 11 as amended herein with claim 14. Thus, the combination of Eraslan and Lofstrom likewise does not teach or disclose all of the elements of claim 11 as amended herein. The Examiner is kindly invited to provide a specific explanation of how Eraslan and/or Lofstrom teach at least said *"selecting the index identification associated with a statistically sufficient number of matching sections"* or to otherwise withdraw the rejection. As a result, it is believed the rejection of claim 11 and its respective dependent claims should be withdrawn. Since claim 15, 25, and 28 also include a recitation of *"a statistically sufficient number of sections"*, it is

believed that the rejection likewise should be withdrawn for these claims and their respective dependent claims.

Furthermore, regarding claims 21-24, claims 21-24 recite *"stability values"*. Contrary to the Examiner's assertion, Eraslan does not teach or disclose such *"stability values"*. In fact, an electronic search of the patent to Eraslan as obtained from the PTO website was performed, and neither the word *"stability"* nor the phrases *"stability value"* or *"stability values"* was found to exist in Eraslan. The Examiner is kindly invited to provide a specific explanation how Eraslan teaches such *"stability values"*, or to otherwise withdraw the rejection. As a result, it is believed the rejection of claims 21-24 should be withdrawn at least for the basis in addition to the basis previously discussed, above.

Claims 1-4 and 6-8 were rejected under 35 USC § 103(a) as being unpatentable over **Rhoads** (6,026,193) in view of **Ng** (6,058,238) in view of **Lofstrom** (6,161,213). Claims 5, 9 and 10 were rejected under USC § 103(a) as being unpatentable over **Rhoads** (6,026,193) in view of **Ng** (6,058,238) in view of **Lofstrom** (6,161,213) and further in view of **Eraslan** (6,381,346).

Independent claims 1 and 6 have been amended to incorporate the limitations of dependent claims 5 and 9, respectively, and claims 5 and 9 have been canceled herein. It is therefore believed that the rejection of claims 1-4 and 6-8 are moot, and the rejections of claims 5, 9 and 10 will be discussed.

Regarding claims 5 and 9, independent claim 1 has been amended to incorporate the limitations of claim 5, and independent claim 6 has been amended to incorporate the limitations of claim 9. Contrary to the Examiner's assertion, as discussed above with respect to claims 21-24, Eraslan does not teach or disclose *"stability value"* or *"stability values"* as recited in claims 1 and 9 as amended herein. Likewise, an electronic text search of the Rhoads patent as obtained from the PTO website was performed, and neither the word *"stability"* nor the phrases *"stability value"* or *"stability values"* was found to exist in Rhoads. The Examiner is kindly invited to provide a specific explanation how Rhoads teaches such a *"stability value"* or *"stability values"*, or to otherwise withdraw the rejection. As a result, it is believed that the rejections should be withdrawn.

CONCLUSION

In view of above, Assignee submits that this application is in condition for allowance. Therefore consideration of this Response and allowance of the application are respectfully solicited.

If the Examiner believes that there are any unresolved issues in the application, it is requested that the Examiner telephone the undersigned at (425) 882-6603 to expeditiously resolve such issues.

Respectfully submitted,

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